

## HJR019S01 compared with HJR019

~~{deleted text}~~ shows text that was in HJR019 but was deleted in HJR019S01.

inserted text shows text that was not in HJR019 but was inserted into HJR019S01.

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Representative Jefferson Moss proposes the following substitute bill:

### APPROPRIATIONS PROCEDURES JOINT RESOLUTION

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson Moss**

Senate Sponsor: Jerry W. Stevenson

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#### LONG TITLE

##### General Description:

This resolution enacts joint rules governing requests for appropriation and actions on proposed budget items.

##### Highlighted Provisions:

This resolution:

- defines "request for appropriation";

~~{—————→ clarifies Executive Appropriations Committee authority to make changes to a base budget before and during the annual general session;~~

~~—————→ repeals and reenacts language governing subcommittee reports and Executive Appropriations Committee actions on proposed budget items to clarify rule application to actions taken on proposed budget items during the annual general session;~~

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- requires the Executive Appropriations Committee to adopt a proposed budget item other than a proposed budget item included in a supplemental appropriations bill no later than the 44th day of the annual general session;
- ‡
- ▶ with certain exceptions, prohibits inclusion of a request for appropriation in legislation unless certain requirements are met; ~~{and}~~
  - ▶ allows a legislator to file a request for appropriation after the request deadline if the request is presented by a member of the Executive Appropriations Committee ~~{}~~ and
- ‡ makes conforming amendments.

### Special Clauses:

None

### Legislative Rules Affected:

#### AMENDS:

**JR3-2-101**

**JR3-2-701**

**JR3-2-702**

**JR3-2-703**

**JR3-2-704**

**JR3-2-810**

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*Be it resolved by the Legislature of the state of Utah:*

Section 1. **JR3-2-101** is amended to read:

#### **JR3-2-101. Definitions.**

As used in this chapter:

(1) "Accountable process budget" means a budget that is created by starting from zero and adding line items and programs recommended through an accountable budget process.

(2) "Accountable budget process" means a review of a line item or program in a simple base budget to determine whether or the extent to which to recommend the line item or program be included in a budget for the upcoming fiscal year.

(3) "Base budget" means:

(a) an accountable process budget; or

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(b) for a line item or program that was not the subject of an accountable process budget analysis during the immediately preceding interim, a simple base budget.

(4) "Chair" means:

(a) the chair of an appropriations subcommittee or the Executive Appropriations Committee; or

(b) a member of a joint appropriations subcommittee or the Executive Appropriations Committee member who is authorized to act as chair under JR3-2-303.

(5) "Committee" means a joint appropriations subcommittee or the Executive Appropriations Committee.

(6) "Majority vote" means a majority of a quorum as provided in JR3-2-404.

(7) "Original motion" means a non-privileged motion that is accepted by the chair when no other motion is pending.

(8) "Pending motion" refers to a motion starting when a chair accepts a motion and ending when the motion is withdrawn or when the chair calls for a vote on the motion.

(9) (a) "Privileged motion" means a procedural motion to adjourn, set a time to adjourn, recess, end debate, extend debate, or limit debate.

(b) "Privileged motions" are not substitute motions.

(10) (a) "Proposed budget item" means any funding item under consideration [~~by an appropriations committee~~] for inclusion in an appropriations bill.

(b) "Proposed budget item" includes a request for appropriation.

(11) "Request for appropriation" means a legislator request to:

(a) obtain funding for a project or program that has not previously been funded;

(b) significantly expand funding for an existing project or program; or

(c) obtain separate funding for a project or program.

[(11)] (12) (a) "Simple base budget" means amounts appropriated by the Legislature for each line item for the current fiscal year that:

(i) are not designated as one-time in an appropriation, regardless of whether the appropriation is covered by ongoing or one-time revenue sources; and

(ii) were not vetoed by the governor, unless the Legislature overrode the veto.

(b) "Simple base budget" includes:

(i) any changes to those amounts approved by the Executive Appropriations

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Committee; and

(ii) amounts appropriated for debt service.

~~[(12)]~~ (13) "Substitute motion" means a non-privileged motion that is made when a non-privileged motion is pending.

~~[(13)]~~ (14) "Under consideration" means the time starting when a chair opens a discussion on a subject or an appropriations request that is listed on a committee agenda and ending when the committee disposes of the subject or request, moves on to another item on the agenda, or adjourns.

Section 2. **JR3-2-701** is amended to read:

### **JR3-2-701. Request for appropriation -- Contents -- Timing.**

(1) (a) A legislator ~~[wishing to obtain funding for a project or program that has not previously been funded, or to obtain additional or separate funding for a project or program, shall]~~ intending to file a request for appropriation shall file the request for appropriation with the Office of the Legislative Fiscal Analyst in accordance with this rule.

(b) Except for a base budget change adopted in accordance with JR3-2-402 or an amendment to a proposed budget item described in JR3-2-703, a committee may not adopt, recommend, or prioritize a request for appropriation that is not filed or generated in accordance with this rule.

~~[(b)]~~ (c) A legislator may not file a request for appropriation if the request is intended to fund the fiscal impact of legislation.

~~[(c)]~~ (d) The Office of the Legislative Fiscal Analyst shall automatically generate a request for appropriation to fund the fiscal impact of legislation if:

(i) the legislation has an expenditure impact of \$1,000,000 or more from the General Fund or the Education Fund; and

(ii) the Office of the Legislative Fiscal Analyst knows the fiscal impact of the legislation before the deadline described in Subsection (3)(a).

(2) (a) A legislator may file a request for appropriation beginning 60 days after the day on which the Legislature adjourns its annual general session sine die.

(b) A legislator-elect may file a request for appropriation beginning on:

(i) the day after the day on which the election canvass is complete; or

(ii) if the legislator-elect's election results have not been finalized as of the canvass

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date, the day after the day on which the election results for the legislator-elect's race are final.

(c) An incumbent legislator may not file a request for appropriation as of the date that the legislator:

- (i) fails to file to run for reelection;
- (ii) resigns or is removed from office; or
- (iii) is ineligible to be included on the ballot for the election in which the legislator

would have sought an additional term.

(3) (a) Except as provided in Subsection (3)(b), a legislator may not file a request for appropriation with the Office of the Legislative Fiscal Analyst after noon on the 11th day of the annual general session.

(b) After the date established by this Subsection (3), a legislator may file a request for appropriation if:

(i) for a request by a House member, the representative makes a motion to file a request for appropriation and that motion is approved by a constitutional majority of the House; ~~or~~

(ii) for a request by a senator, the senator makes a motion to file a request for appropriation and that motion is approved by a constitutional majority vote of the Senate~~[-]; or~~

(iii) a member of the Executive Appropriations Committee has presented the request at a public meeting of the Executive Appropriations Committee.

(4) A legislator who files a request for appropriation:

(a) is the chief sponsor; and

(b) shall provide the following information related to the project or program that is the subject of the request for appropriation:

(i) the name and a description of the project or program;

(ii) the statewide purpose of the project or program;

(iii) if applicable, the legislator's designee who is knowledgeable about and responsible for providing pertinent information while the Office of the Legislative Fiscal Analyst processes the request;

(iv) the state funding source from which the legislator proposes to fund the project or program;

(v) the amount of the request and whether the amount is to be appropriated one-time, ongoing, or a combination of one-time and ongoing;

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- (vi) an itemized budget for the project or program;
- (vii) the state agency that has jurisdiction over the project or program;
- (viii) if the request is for pass through funding that a state agency will distribute, the type of entity or organization the legislator intends to receive the funding;
- (ix) the scalability of the project or program; and
- (x) one or more outcomes the legislator expects the project or program to achieve.

Section 3. **JR3-2-702** is amended to read:

### **JR3-2-702. Review and referral of requests for appropriation.**

- (1) (a) The legislative fiscal analyst shall review each request for appropriation.
- (b) If the request for appropriation requires that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall immediately transfer the request to the Office of Legislative Research and General Counsel as a request for legislation.
- (c) If the request for appropriation contains each item described in JR3-2-701(4) and does not require that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall number, title, and refer the request for appropriation to:
  - (i) the House chair of the Executive Appropriations Committee, if the sponsor is a House member; or
  - (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a Senate member.
- (2) The House or Senate chair of the Executive Appropriations Committee shall refer the request for appropriation to the joint appropriations subcommittee with oversight responsibility or to the Executive Appropriations Committee.
- (3) Each joint appropriations subcommittee that receives a request for appropriation shall:
  - (a) allow the sponsor to present and discuss the request for appropriation with the subcommittee;
  - (b) discuss the request for appropriation; and
  - (c) do one of the following:
    - (i) include all or part of the [~~requested appropriation~~] request for appropriation in the budget recommendation made by the subcommittee or the Executive Appropriations Committee;

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- (ii) reject the request for appropriation; or
- (iii) recommend to the Executive Appropriations Committee that all or part of the requested appropriation be placed on a funding prioritization list.

Section 4. **JR3-2-703** is amended to read:

**JR3-2-703. Amending proposed budget items -- Amendments must be germane.**

(1) (a) Except as provided in Subsection (2), and if recognized by the chair, a committee member may make a motion to amend a proposed budget item [~~or request for appropriation~~] that is under consideration.

(b) (i) A committee member may propose a verbal amendment to a proposed budget item [~~or request for appropriation~~] under consideration if the amendment contains 15 or fewer words.

(ii) Before proposing a motion to amend, a committee member shall ensure that a proposed amendment that contains more than 15 words is printed and distributed to committee staff and to all committee members present.

(2) (a) A committee member may only make a motion to amend that is germane to the proposed budget item [~~or request for appropriation~~] under consideration.

(b) A committee member who believes that an amendment is not germane to the subject of the proposed budget item [~~or request for appropriation~~] may make a point of order or appeal as described in JR3-2-806.

Section 5. **JR3-2-704** is amended to read:

**JR3-2-704. Reconsideration of action.**

(1) Except as provided in Subsection (2), and if recognized by the chair, a committee member may make a motion to reconsider the committee's action on a proposed budget item [~~or request for appropriation~~] if the proposed budget item [~~or request for appropriation~~] is:

- (a) assigned to the committee; and
- (b) listed on the committee agenda as required by Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(2) A committee may not reconsider its action:

- (a) more than once in a meeting; and
- (b) until the committee has considered other committee business.

Section 6. **JR3-2-810** is amended to read:

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### **JR3-2-810. Repeating defeated motion.**

(1) Except as provided in Subsection (2), a motion that is defeated may not be made by a committee member until the committee has considered other committee business.

(2) A motion to postpone a proposed budget item [~~or a request for appropriation~~] to a day certain, if defeated, may not be made again by any committee member during the same committee meeting.